

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALESSANDRO MASI,

Plaintiff,

- against -

BUZZFEED, INC.,

Defendant.

Docket No. 17-cv-1553

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Alessandro Masi (“Masi” or “Plaintiff”), by and through his undersigned counsel, as and for his Complaint against Defendant BuzzFeed, Inc. (“BuzzFeed” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of four young participants in the Azov Battalion summer camp located in Buzova, Ukraine. Masi, an Italian photojournalist based in London, UK, is the owner of the subject photograph and has registered the photograph with the United States Copyright Office. Because Defendant did not obtain Masi’s consent or authorization before using the photograph, Masi seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b).

PARTIES

5. Masi is an award-winning professional documentary photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 6 Balmoral Road, London, NW25DY, United Kingdom. Masi is deeply committed to spreading awareness and supporting action towards children's rights and education. Masi won the Premio Anima 2015 Soul Prize for Photography in Italy. His images are exhibited as part of the UNICEF Germany collaboration with the Arp Museum Bahnhof Rolandseck in Germany.

6. Upon information and belief, BuzzFeed is a corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 111 East 18th Street, New York, NY 10003. At all times material hereto, BuzzFeed has owned and operated a website at the URL: <https://www.buzzfeed.com/> (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photograph

7. On August 12, 2016, Masi photographed children participating in the Azov Battalion summer camp in Buzova, Ukraine (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Masi is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with the U.S. Copyright Office and was given Copyright Registration Number VAu001261303.

B. Defendant's Infringing Activities

10. Upon information and belief, on or about October 21, 2016, BuzzFeed ran an article on the Website entitled "10 Incredible Photo Stories You Absolutely Can't Miss." See https://www.buzzfeed.com/gabrielsanchez/incredible-photo-stories-you-cant-miss-oct-21?utm_term=.yn91Wm3XQW#.jdp6RyWbVR. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit B.

11. BuzzFeed did not license the Photograph from Plaintiff for its article, nor did BuzzFeed have Plaintiff's permission or consent to publish the Photograph on its Website.

FIRST CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST BUZZFEED)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. BuzzFeed infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. BuzzFeed is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by BuzzFeed have been willful, intentional, and purposeful, in disregard of and with indifference to Plaintiff's rights.

16. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover his damages and Defendant's profits pursuant to 17 U.S.C. § 504(b).

17. Alternatively, Plaintiff is entitled to recover statutory damages of up to \$150,000 per work infringed for Defendant's willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to recover his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

19. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant BuzzFeed be adjudged to have infringed upon Plaintiff's copyright in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;

3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorney's fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
March 1, 2017

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